

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NORDYNE LLC	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.: 12-cv-02165 (SNLJ)
	)	
DIRECT BRAND LIMITED	)	
	)	
Defendant.	)	

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**ORDER FOR ENTRY OF DEFAULT JUDGMENT**

This action having been commenced by Plaintiff Nordyne LLC ("Nordyne") on November 20, 2012, against Defendant Direct Brand Limited alleging, *inter alia*, trademark infringement of plaintiff's trademark and charging defendant with trademark infringement (15 U.S.C. § 1114), trademark counterfeiting (15 U.S.C. § 1114), false designation of origin and unfair competition (15 U.S.C. § 1125(a)), state law trademark and service mark infringement and dilution (Mo. Rev. S. § 417.061), and common law unfair competition; and

Defendant Direct Brand Limited, having been served on April 2, 2013, with a Summons and copy of the Complaint;

Default having been entered against Defendant Direct Brand Limited by the Clerk of the Court on May 15, 2013;

JUDGMENT is granted in favor of Plaintiff as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

(1) That Defendant Direct Brand Limited and its respective employees, partners, officers, directors, agents, representatives, attorneys, successors, and assigns, and all persons in active concert or participation with any of them, are immediately and permanently enjoined:

(a) from using the Plaintiff's SMARTLITE® Mark and/or any confusingly similar variations thereof, in any manner or form, or any other reproduction, counterfeit, copy, or

colorable imitation of such mark, either alone or in combination with any other designation, on or in connection with any advertising, marketing, promoting, offer for sale, or sale of Defendant Direct Brand Limited's goods or services;

(b) from otherwise infringing and/or diluting the distinctive nature of Plaintiff's SMARTLITE® Mark; and


(c) from otherwise competing unfairly with Plaintiff Nordyne;

(2) That Defendant Direct Brand Limited destroy and/or obliterate any and all packaging, labels, signs, brochures, advertisements, on-line references accessible on the World Wide Web, and other items in its possession, or under its control, upon which appear or reflect any of the SMARTLITE® Mark and/or any confusingly similar variations thereof, in any manner or form, or any other reproduction, counterfeit, copy, or colorable imitation of Plaintiff's SMARTLITE® Mark, either alone or in combination with any designation, and all plates, molds, matrices and other means of making the same; and

(3) that Defendant Direct Brand Limited shall be liable for and pay Plaintiff Nordyne's reasonable attorneys' fees and costs incurred in connection with this lawsuit.

The Court finds that there is no just reason for delay in entry of this Order as to the Defendant Direct Brand Limited and the Clerk is directed to enter this Order as a final judgment as to Plaintiff Nordyne's claims against the Defendant Direct Brand Limited.

DONE AND ORDERED on this the 15<sup>th</sup> day of May, 2013.

  
THE HONORABLE STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE